

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

March 27, 2009

DIVISION ONE

[illegible]

The judgment is reversed in part, and the trial court is directed to enter an order striking the second sentence, of 15 years to life, imposed for count 7. The trial court is further directed to prepare an amended abstract of judgment reflecting correction of the error and forward a certified copy of the corrected abstract to the Department of Corrections and Rehabilitation. The judgment is otherwise affirmed.

Rothschild, J.

We concur: Mallano, P.J.
 Weisberg, J. (Assigned)

B201276 Yuen (Not for Publication)
v.
Yuen

The order is affirmed. Respondent shall recover her costs on appeal.

Rothschild, J.

We concur: Mallano, P.J.
 Weisberg, J. (Assigned)

DIVISION ONE (continued)

B203616 People (Not for Publication)
v.
Williams & Jones

Jones's sentence for the murder conviction in count one is modified to delete the gang enhancement imposed under section 186.22, subdivision (b)(1)(C) and to instead specify a 15-year minimum parole eligibility date. (§ 186.22, subd. (b)(5).) As so modified, Jones's judgment of conviction is affirmed.

Williams's sentence for the murder conviction in count one is modified (1) to delete the gang enhancement imposed under section 186.22, subdivision (b)(1)(C) and to instead specify a 30-year minimum parole eligibility date (§ 186.22, subd. (b)(5)) and (2) to correct the term imposed on the firearm enhancement under section 12022.53, subdivision (d) and (e)(1) to reflect instead a term of 25 years to life. As so modified, Williams's judgment of conviction is affirmed.

The trial court is directed to prepare new abstracts of judgment reflecting these changes and to forward them to the Department of Corrections and Rehabilitation.

Rothschild, J.

We concur: Mallano, P.J.
 Weisberg, J. (Assigned)

B196591 Dayco Funding Corporation (Not for Publication)
v.
Schneider etc.

The judgment is affirmed, the post-judgment order denying attorney fees is reversed, and the matter is remanded for further proceedings pursuant to this decision. Schneider shall recover her costs on appeal.

Tucker, J. (Assigned)

We concur: Mallano, P.J.
 Rothschild, J.

DIVISION ONE (continued)

B206796 People
 v.
 McCullam

Filed order vacating submission order of March 9, 2009, due to incomplete appellate record.

DIVISION TWO

Court convened at 9:00 a.m.

Present: Boren, P.J., Doi Todd, J., Ashmann-Gerst, J., Chavez, J. and Joyce Hatter, Deputy Clerk.

Each of the following:

B204680 People v. Gaines
B208753 In re: C.G.
B207137 People v. Diaz
B208018 In re B.B.

Argument waived, cause submitted.

B210097 People
 v.
 Esquivias

Merits:
Argued by Paliath Kutty for appellant. Respondent previously waived oral argument. Cause submitted.

B209827 People
 v.
 Bailey

Merits:
Argued by Sarvenaz Bahar for appellant and by Michael Wise, Deputy Attorney General for respondent. Cause submitted.

DIVISION TWO (continued)

B201774 Hong Chang Fruit and Vegetable Products Corp., et al.
 v.
 American Ever-Best Corp., et al.

Merits:

Argued by William Stremel for appellants and by Donn Christensen for respondents. Cause submitted.

B203997 Navarette
 v.
 Clausing Industrial Inc., et al.

Merits:

Argued by David Dorenfeld for appellant; by Jason Booth for respondents California Metal-X, et al.; by John Grannis for respondents Baldor Electric, et al.; by Robert Katz for respondents Covel Manufacturing, et al.; by Lisa Marie Rice for respondents M & T Chemicals, et al. and by Kara Persson for respondents Unimin Corp. et al. Cause submitted.

Court adjourned.

DIVISION THREE

B205005 Etheridge, etal (Certified for Publication)
 v.
 Reins International California, Inc.

The judgment is affirmed. The parties are to bear their own costs on appeal.

Croskey, J.

I concur: Kitching, J.

I concur in part and dissent in part: Klein, P.J. (Opinion)

DIVISION FOUR

B196078 Rich (Not for Publication)

v.

Koi Restaurant et al.

The judgment is affirmed. Respondent(s) to recover costs.

Manella, J.

We concur: Epstein, P.J.

Willhite, J.

B205319 Cohn (Not for Publication)

v.

Truebeginnings, LLC et al.

The order is affirmed. Respondent(s) to recover costs.

Epstein, P.J.

We concur: Manella, J.

Suzukawa, J.

B196632 Kaufman (Not for Publication)

v.

Kaufman

The order is affirmed. Respondent(s) to recover costs.

Epstein, P.J.

We concur: Willhite, J.

Manella, J.

DIVISION FOUR (continued)

B206438 Eight Oxfords Property Management, Inc. (Not for Publication)
v.
Assi Super, Inc. et al.

The judgment in No. BC367841 is reversed to the extent that demurrers were sustained to the breach of contract, money paid, and conversion causes of action in the first amended cross-complaint, and is otherwise affirmed. The judgment dismissing the case in No. BC365920 is reversed, and the trial court is directed to enter a new order staying that action. The judgment in No. BC329242 is affirmed in its entirety. Respondents are to have their costs on appeal.

Epstein, P.J.

We concur: Willhite, J.
Suzukawa, J.

DIVISION FIVE

B201093 Janice Sharp et al (Not for Publication)
v.
Paul Anderson et al

The judgment is affirmed. Respondent(s) to recover costs.

Turner, P.J.

We concur: Armstrong, J.
Mosk, J.

DIVISION FIVE (continued)

B200675 Joseph Maatuk et al (Not for Publication)
 v.
 Bruce Guttman et al

The judgment is affirmed. Respondent(s) to recover costs.

Armstrong, J.

We concur: Turner, P.J.
 Kriegler, J.

B201556 The Fifth Day, LLC (Certified for Publication)
 v.
 James Bolotin, et al

The judgment is reversed. Appellant(s) to recover costs.

Armstrong, Acting P.J.

I concur: Kriegler, J.
I dissent: Mosk, J. (Opinion)

DIVISION SIX

B207595 People (Certified for Publication)
 v.
 Fisher

The order is affirmed.

Coffee, J.

We concur: Gilbert, P.J.
 Perren, J.

DIVISION SEVEN

B205013 People
 v.
 Clark

Filed order denying petition for rehearing.

DIVISION EIGHT

B203778 Meganet Corporation (Not for Publication)
 v.
 Ralph Lotkin et al.

The order is affirmed. Respondents are to recover costs on appeal, and the matter is remanded to the trial court for a determination of reasonable fees and costs.

Flier, J.

We concur: Rubin, Acting -+P.J.
 O'Neill, J. (Assigned)

B207896 People (Not for Publication)
 v.
 Reginald Val Davin

The judgment is affirmed.

Rubin, Acting P.J.

We concur: Bigelow, J.
 Bauer, J. (Assigned)

March 27, 2009 (Continued)

DIVISION EIGHT (continued)

B196684 Muller et al. (Certified for Partial Publication)

B199316 v.
Fresno Community Hospital & Medical Center et al.
Muller, et al
v.
Shantharam

The order granting the new trial and denying the motion for sanctions are both affirmed. Manfred Muller and Rose Shoshana are to recover their costs in B196684. Dr. Sangaram Shantharam and Fresno Community Hospital and Medical Center are to recover their costs in B199316.

Flier, J.

We concur: Rubin, Acting P.J.
Bigelow, J.